

REMARKS

Applicants respectfully request the entry of this Amendment, reconsideration of the rejections and any objections, and a Notice of Allowance.

The amended new claims rest on the original specification, including, for instance, from page 4, line 3 from the bottom to page 5, line 2. Additional support includes Table 1 at page 28, such as Example 1.

Applicants enclose a Rule 132 Declaration.

The amended claims 1 and 2 include MFR. It will be appreciated, of course, that since the Office Action states these “are two commonly used standards,” as would be appreciated by any person skilled in the art. A person skilled the art would presumably be able to use either method and correlate results of one or the other with the claims. Applicants respectfully submit the objection should be reconsidered withdrawn.

Applicants respectfully, but earnestly, submit the IDS filed March 26, 2004 should have been considered by the Examiner. The IDS was filed concurrently with this application. Accordingly, it necessarily could not have listed the application number. Applicants were entitled as a matter of right to have the disclosed U.S. Patent No. 5,374,700 and JP-H04-213309A considered.

However, inasmuch as the USP and JP documents cited on March 26, 2004 were also included in the October 28, 2004 IDS (including the re-submitted copy) and have now been considered by the Examiner, the Examiner’s comments about the March 26, 2004 IDS, though mistaken, are now moot.

Claims 1-3 define novel, unobvious inventions over the Kokubo et al. reference.

The claims are novel and the reference does not inherently anticipate. When fairly considered, the Kokubo reference neither describes nor would it have suggested the present

claimed inventions. Even if, *arguendo*, the reference were considered under an inherency theory, the attached Declaration provides sufficient rebuttal evidence.

The instant claims are novel over the Kokubo reference. The melt flow rate (MFR) of the claimed copolymer of ethylene and α -olefin of from 4 to 20 carbon atoms in amended claims 1 and 2 is from 1.5 to 100 g/10 min. On the other hand, the MFR described in Example 2 of EP 0 640 627 A1 (Kokubo et al.) cited in this Office Action, is less than 1.5; it is 1. The Kokubo reference (*e.g.*, Example 2) therefore does not anticipate the claims.

The Kokubo reference does not anticipate claim 1 or 2 under the doctrine of inherency insofar as Example 1 is concerned. Applicants claims recite the activation energy for flow is 60 kJ/mol or more. On the other hand, though the copolymer of Example 1 (MFR 3 g/10 min.) of Kokubo et al. might satisfy the above-range of MFR 1.5 to 100 g/10 min., such copolymer apparently does not inherently have the claimed activation energy. It appears the Example 1 copolymer of the Kokubo reference is 47 kJ/mol and that is well outside the range of the instant claims.

Furthermore, with respect to claim 2, the copolymer definition includes the relationship according to formula (4), $\tau \geq 8.1 \times \text{MFR}^{-0.746}$. However, it is not shown from the Office Action or from the face of the Kokubo et al. reference itself whether the copolymer, particularly that in Example 1, satisfies the relationship of formula (4) because the reference is silent regarding τ of the copolymer.

Applicants submit a Declaration of Shigematsu to provide evidence that the copolymer of Example 1 of EP 0 640 627 A1 (Kokubo et al.) does not satisfy the relationship of the formula (4), $\tau \geq 8.1 \times \text{MFR}^{-0.746}$ since (1) the measurement of the relaxation time (τ) in Example 1 in Kokubo et al. was not carried out, sample VIB196 was near to the copolymer of Example 1 of the cited reference and the relaxation time (τ) was measured in VIB196.

As apparent from the Declaration, the MFR and τ of the copolymer were respectively 2.85 (g/10 min.) and 3.63 (second).

However, the copolymer does not satisfy the formula (4) because when the MFR is 2.85, τ is 3.71 second or more.

Further, Kokubo et al. does not provide any motivation for obtaining the copolymer of claim 1 or 2 and it is submitted that a person of ordinary skill in the art would not have been directed towards the claimed inventions.

For all the foregoing reasons, the rejections have overcome and the claims are in condition for allowance.

Respectfully submitted,

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